



## **UNACCEPTABLE ACTIONS / EXPECTED BEHAVIOURS POLICY 2021**

### **1.0 INTRODUCTION**

The Association expects all staff to behave in a professional manner and we also ask customers to treat staff with respect. This policy sets out the Association's approach to the relatively few people whose actions the Association considers to be unacceptable.

In referring to people, this refers to everyone who comes into contact with the Association, including those who use or receive services from the Association as well as those representing them or acting on their behalf.

In general, the Association aims to:

- ✓ make it clear to all people what we can or cannot do as an organisation. In doing so, we aim to be open and not raise hopes or expectations that we cannot meet
- ✓ deal fairly, honestly, consistently, professionally, and courteously with all people, including those whose actions we consider to be unacceptable. The Association has a Customer Services and Standards Policy which sets out its commitment to providing a high standard of service. The Association believes that people have the right to be heard, understood and respected. As a responsible employer, the Association also believes that its staff have the same rights, as do those acting on our behalf
- ✓ provide services that are accessible and available. However, the Association will, where we consider actions to be unacceptable, restrict or limit how people can access our services
- ✓ ensure that others, the Association's staff and agents do not suffer as a result of unreasonable actions

### **2.0 EXPECTED BEHAVIOUR**

#### **2.1 Defining Expected Behaviour**

We expect all staff to behave in a professional manner and treat customers with courtesy, respect and dignity. We also ask Customers to treat our staff with the same courtesy, respect and dignity. We will encourage Customers to actively engage with us during any complaint handling process by:

- ✓ Telling us their key issues of concern and organising any supporting information they want to give us
- ✓ We will support people if they require help to do this

- ✓ We will work with people to agree any points of a complaint when an investigation is required; and
- ✓ We will respond to any reasonable requests for information

We recognise that people may act out of character in times of trouble or distress. It can sometimes be a health condition or a disability that can also affect how a person expresses themselves. Therefore, we will ensure that appropriate support is available for the person and member of staff to achieve the desired outcome.

### **3.0 UNACCEPTABLE ACTIONS**

#### **3.1 Defining Unacceptable Action**

The Association understands that people with valid concerns may act out of character in times of trouble or distress and we do not view actions as unacceptable just because a person is forceful or determined.

However, we believe that the unreasonable actions of people who are aggressive, threatening, un-cooperative or repetitious can result in unreasonable demands on our organisation or unacceptable behaviour towards our staff. It is these actions that the Association considers unacceptable and aim to manage under this policy.

The Association has grouped these unacceptable actions under 3 broad headings:

- ✓ Unreasonable Behaviour
- ✓ Unreasonable Demands
- ✓ Unreasonable Persistence

#### **3.2 Unreasonable Behaviour**

The Association expects its staff and agents to be treated courteously and with respect. Violence or abuse towards staff or agents is always unacceptable. The Association considers that violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff or agents to feel afraid, threatened or abused.

Examples of behaviours grouped under this heading include threats of harm or self-harm, physical violence, personal abuse, derogatory remarks and rudeness. We also consider that inflammatory or manipulative statements, unsubstantiated allegations, including threats of unsubstantiated allegations of misconduct, can be abusive behaviour

The Association also considers it unacceptable when people choose to act in an un-cooperative manner. This type of behaviour can include withholding information, being wilfully misleading or untruthful in a significant way or refusing to define issues of complaint where a person is clearly capable of doing so.

#### **3.3 Unreasonable Demands**

People may make what we consider to be unreasonable demands on our organisation, staff or agents through the amount of information they seek, the nature and extent of the service they expect, the number of approaches they make or by insisting on outcomes or actions that are not obtainable or appropriate. What

amounts to an unreasonable demand will always depend on the prevailing circumstances.

Examples of actions grouped under this heading include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular member of staff, continual phone calls, emails or letters, repeatedly changing the nature of a concern or raising unrelated concerns.

The Association considers these demands as unacceptable and unreasonable if they start to impact substantially on the Association work, such as taking up an excessive amount of staff time to the disadvantage of other people or functions.

#### 3.4 Unreasonable Persistence

The Association recognises that some people will not or cannot accept that the Association is unable to assist them further or may disagree with an action or decision taken. Examples of actions grouped under this heading include persistent inability to accept a final decision, persistent refusal to accept explanations relating to what the Association can or cannot do and continuing to pursue a matter without presenting any new information.

The Association considers the actions of persistent people to be unacceptable when they take up what the Association regards as being a disproportionate amount of time and resources. The way in which a person approaches our organisation in relation to these matters may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

### 4.0 MANAGING UNACCEPTABLE ACTIONS

Our experience is that there are relatively few people whose actions we consider unacceptable. How the Association aims to manage these unacceptable actions depends on their nature and extent. Wherever possible, we seek to avoid misunderstandings and clarify unrealistic expectations about our role and responsibilities.

With the exception of immediate decisions taken at the time of an incident, decisions relating to the management of unacceptable actions are only taken after careful consideration of the prevailing situation and with the agreement of the relevant Departmental Manager/Chief Executive.

The threat or use of physical violence, verbal abuse or harassment towards the Association staff or agents may result in the ending of all direct contact with the person. This decision is made by the Association's Chief Executive. Incidents will usually be reported to the police. This will always be the case if physical violence is used or threatened.

Staff who experience aggressive or abusive behaviour have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.

Staff will end telephone calls and interviews if they consider that a person is being aggressive, abusive or offensive. The staff member has the right to make this

decision after clearly and politely telling the person that the behaviour is unacceptable, explain why and say that they will end the call or interview if the behaviour does not stop. Staff may also end a telephone call or interview if they considered it unproductive to continue. As all calls are recorded the Association will be able to review any such calls.

The Association does not deal with correspondence (letter, fax, text or email) that is rude, abusive or threatening to its staff or contains inflammatory statements. When this happens, we tell the person that we consider their language offensive, unnecessary and unhelpful. We ask to resubmit their concerns in more moderate language and state that we will not respond and take action relating to their correspondence if this unacceptable behaviour persists (unless it relates to a criminal offence, breaches of the law or threats to the safety of people or property).

If an action is unacceptable to the extent that it adversely affects our ability to do our work or is a risk to our staff, we may decide to restrict contact with the Association in order to manage the action. The Association aims to do this in a way, wherever possible, that allows a person to continue to interact with us. For example, we may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. We try to maintain at least one form of contact.

In extreme situations, we may tell the person that their name is on a 'no personal contact' list. This means that they must restrict contact with the Association to either written communication or through a third party. The Association may also establish conditions on our future interaction with the person, such as putting their name on a 'no lone visits' list, which means that there will be no future lone visits to their home by the Association staff or requiring that another responsible person is present. We may place the person on a "no visits" list, in which case Association staff or our agents will not visit the person at all.

The Association may consider action to be unreasonable if all internal review mechanisms including the complaints procedure have been exhausted and a person continues to dispute an Association decision or outcome. The person is told that no future phone calls will be accepted, or interviews granted concerning this matter. Any future correspondence is read and filed, but only acknowledged or responded to if the person provides significant new information.

Where a person repeatedly phones, visits the Association offices, raises the same issues, or sends irrelevant documents or emails, the Association may decide to:

- ✓ only take telephone calls from the person at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the person in the future
- ✓ require the person to make an appointment to see a named member of staff before visiting our offices or that the person contacts the Association in writing only
- ✓ return the documents to the person (by recorded delivery)

- ✓ take other action that the Association considers to be appropriate. The Association will always tell the person what action we are taking and why.

Where a person continues to correspond on a wide range of issues, and this action is considered excessive, then the person may be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.

Wherever possible, the Association gives a person the opportunity to modify their action before a decision is taken under this policy. People are told in writing why a decision has been taken, the consequences of the decision and, if relevant, the length of time that any contact restrictions will be in place.

## **5.0 APPEALING A DECISION**

A person can appeal a decision made under this policy by following the Association's complaints procedure. Should the Chief Executive and /or Departmental Manager already be involved in the case the appeal will commence by the appellant contacting the Association's Chairperson.

## **6.0 RECORDING AND REVIEWING DECISIONS**

The Association records all incidents relating to unacceptable actions. Where it is decided to restrict contact, an entry note of this is made in the relevant file and on appropriate computer records.

A decision to restrict contact may be reconsidered if the person demonstrates a more acceptable approach. The Chief Executive will review the status of all persons with restricted contact arrangements on a six-monthly basis and will report any changes in this to the relevant committee.

## **7.0 GENERAL DATA PROTECTION REGULATIONS**

The Association will treat your personal data in line with our obligations under the current data protection regulations and our own Privacy Policy.

Information regarding how your data will be used and the basis for your data is provided in the Associations employee Privacy Notice.

## **8.0 REVIEW**

This policy will be reviewed every 5 years, or earlier in line with legal, regulatory or best practice requirements. Amendments will be made in the intervening period if aspects of the policy are found to be inadequate.

George Tainsh  
Chief Executive

26<sup>th</sup> April 2021

Policy Review Consultation Process

Reviewed by Senior Management Team	27 <sup>th</sup> April 2021
Recommended by HSEHR Committee	5 <sup>th</sup> May 2021
<b>APPROVED BY THE BOARD OF MANAGEMENT</b>	<b>27<sup>th</sup> MAY2021</b>
<b>Date of Next Review</b>	<b>May 2026</b>

Approved